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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,047	04/16/2004	Jeremy A. Fogg	GEN10 P-459	9459
28469 7590 01/22/2008 PRICE, HENEVELD, COOPER, DEWITT, & LITTON, LLP/GENTEX CORPORATION 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501				
			EXAMINER WARD, JOHN A	
			ART UNIT 2885	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,047	Applicant(s) FOGG ET AL.	
	Examiner John A. Ward	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,28-49 and 52-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25,28-49 and 52-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Regarding claims 1-7, Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Regarding claims 9-13, Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing, the reflective element 100 is an electrochromic material (column 7, lines 20-24), a carrier plate (figure 10) a printed circuit board 32,

Regarding claim 16, figure 10 of Desmond shows how the beam axis is parallel to the first direction.

Claims 17-18, 20-24 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Regarding claims 17-18, Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a

deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Regarding claims 21-24 and 28-30, Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing, the reflective element 100 is an electrochromic material (column 7, lines 20-24), a carrier plate (figure 10) a printed circuit board 32,

Regarding claim 20, figure 10 of Desmond shows how the beam axis is parallel to the first direction.

Claims 32-36, 38-42 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing, the reflective element 100 is an electro chromic material (column 7, lines 20-24), a carrier plate (figure 10) a printed circuit board 32,

Figure 10 of Desmond shows how the beam axis is parallel to the first direction.

Claims 46-49, 52-55, 57-58 and 60-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing, the reflective element 100 is an electro chromic material (column 7, lines 20-24), a carrier plate (figure 10) a printed circuit board 32,

Figure 10 of Desmond shows how the beam axis is parallel to the first direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claims 1 and 5 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 8, 14 and 15, Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 8, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 14 and 15 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* USPQ 233.

Claims 19, 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claims 17, 18 and 22 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 19, 25 and 31, Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 25, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 19 and 31 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* USPQ 233.

Claims 37, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claims 32 and 34 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 37, 43 and 44, Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 37, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 43 and 44 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller USPQ 233*.

Claims 56, 59 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claim 46 and 58 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 58, 59 and 64 Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 64, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 58 and 59 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* USPQ 233.

Response to Arguments

Applicant's arguments filed October 31, 2007 have been fully considered but they are not persuasive. Regarding the argument on pages 12-19 of the following claims are addressed; regarding claim 1 the prior art of Desmond et al ('245) discloses all the limitation of the claimed invention of the instant application as cited in claim 1, the prior art of Desmond et al discloses all the limitations of claim 1, the prior art of Desmond et al shows in figure 6 a housing that have a reflector located inside the housing, as shown in figure 6, the mirror lengths covers front portion of the housing and on figure 10 how the directing member or reflector which also includes a light source direct light perpendicular (in a right angle) to that of a front mirror.

Regarding the argument on page 13, that the Desmond et al does not have a directional component in a second direction as cited in claim 1, the second direction refers to the reflector 40 that reflect light from the light source to a second direction to that of the mirror as shown in figure 10 which is perpendicular to the front of the mirror. Regarding claim 10, the prior art of Desmond et al shows in figure 10 a lens 80, 82 located at the bottom of the mirror housing, the applicant is directed to column 6, lines 6-15 that the lenses 80 and 82 is used for diffusing the light source.

Regarding claim 17 of the argument on page 14 the lens as cited in claim 17 is found in figure 10, regarding claim 18, the structural limitation as cited in claim 18 is met by the prior art of Desmond et al (see figure 10), regarding claim 20, figure 10 shows how the beam axis of the light source is parallel to the reflector 80, 82, regarding claim 24, the mirror 100 is planar (two dimensional in quality per Webster dictionary 10th

edition), regarding claim 24 figure 1 teaches that the light source can be a light emitting diode and regarding claims 30 a carrier plate 51 and printed circuit board 32 is found in figure 10.

Regarding claim 32 the structural limitations as cited are met by Desmond et al as broadly interpreted the light source having a directional component is that of a reflector 80, 82 is shown in figure 10, regarding claim 36 Desmond et al discloses a planar mirror shown in figure 8, regarding claim 29, the teaching of a light emitting diode 23 is shown in figure 1, regarding claim 42, the carrier plate 51 and printed circuit board 32 is found in figure 10 and claim 45, Desmond et al show the beam axis of the light source is parallel to the first direction of the reflector shown in figure 10.

Regarding claim 46, figure 6 shows the housing 11, having the front opening and a bottom opening can be found in figure 10, the teaching of light emitting diode 23 located at the bottom of the housing in figure 1, regarding 47-49 and 52-64 the structural limitations are taught in figure 1, 6 and 10 as cited above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

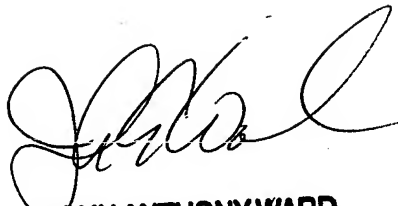
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JAW
January 15, 2008



JOHN ANTHONY WARD
PRIMARY EXAMINER